

topics impermissively seek testimony concerning Funair's legal conclusions and because the information sought is more properly obtained through contention interrogatories. Funair concedes that the topics which Avicor and Tamm ask Funair to be prepared to address through its corporate representative would be permissible subjects of contention interrogatories.¹ Rule 26(a)(5) provides that parties may obtain discovery using their choice of a number of discovery methods, and Rule 26(d) allows those methods of discovery to be used in any sequence. Although there is authority to the contrary, I agree with the line of cases which holds that a Rule 30(b)(6) deposition which seeks information concerning the factual support for allegations found in the complaint, which would be discoverable through contention interrogatories, is outside the protection of the work-product doctrine and is permissible.²

Accordingly, it is ORDERED that the motion for protective order is DENIED.

SIGNED on November 14, 2007.



NANCY STEIN NOWAK
UNITED STATES MAGISTRATE JUDGE

¹F.R. Civ. P. 33(c). Contention interrogatories may properly ask for the facts that support an allegation or defense as well as the identities of knowledgeable persons and supporting documents for the facts supporting an allegation or defense. Contention interrogatories include questions asking an opposing party to state all the facts upon which it bases some specified contention and questions asking an opponent to state all the evidence on which it bases some specified contention. John Kimpflen, Sally J.T. Necheles, Karl Oakes, Elizabeth Williams, & Anne E. Melley, 10A Federal Procedure, Lawyers Edition, § 26.525.

²See E.E.O.C. v. Caesars Entertainment, Inc., 237 F.R.D. 428, 433-434 (D. Nev. 2006) and cases discussed therein. See also, F.D.I.C. v. Hays, 1998 WL 178547 (W.D.Tex. 1998).